

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

**JEFFREY A. KRALLER and
ALAN POLLENZ,**

Plaintiffs,

v.

ALLIED PILOTS ASSOCIATION,
a Labor Organization,

Defendant.

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Civil Action No. 3 03CV--761P

**BRIEF IN SUPPORT OF
MOTION FOR STAY OF TRIAL
PROCEEDINGS PENDING APPEAL**

Plaintiffs ask the Court to stay trial proceedings pending disposition of their appeal from the denial of their original and renewed motions for a preliminary injunction. A stay is sought for the following reasons:

1. Given this Court's analysis of the merits of plaintiffs' claims, the continuing prosecution of this lawsuit is futile unless plaintiffs prevail on appeal. Plaintiffs will move for voluntary dismissal of their claims if they cannot prevail before the Court of Appeals. The interests of judicial economy warrant the requested stay.

2. Additional considerations of judicial economy further warrant delaying trial until after the Court of Appeals determines the merits of plaintiffs' appeal:

(a) The likelihood of settlement will be substantially enhanced if plaintiffs prevail on appeal; and

(b) If plaintiffs are compelled to present their case to a jury on jury instructions that the Court of Appeals later finds to be erroneous, all parties and this Court will be subjected needlessly to two trials. An interlocutory appeal will unburden all involved of the risk of two trials.

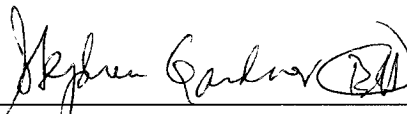
3. As a practical matter, it is likely that the decision of the Court of Appeals may well be the last word in this matter. Plaintiffs have already served nearly half of their one-year disciplinary term, and it is likely that little meaningful portion of their disciplinary term will remain by the time the Court of Appeals issues a determination on the merits.

4. It is not anticipated that this case will present complex discovery issues. Rather, it is likely that this case may be quickly prepared for trial, following a determination of the merits by the Court of Appeals.

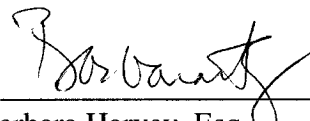
This motion is not made under F. R. Civ. P. rule 62(c), which governs only motions seeking injunctions pending appeal or stays of preliminary or final *judgments or orders* pending appeal. This motion does not seek any order, or to stay any order, but addresses the discretion of the Court.

The requested stay will cause no prejudice to the opposing parties. The only parties disadvantaged by the requested stay are plaintiffs themselves. They make this motion because they seek to avoid the burden of needless but expensive trial preparation and trial.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Stephen Gardner", followed by a circled "BD".

Stephen Gardner, Esq.
Law Office of Stephen Gardner, PC
6060 North Central Expressway, Suite 560
Dallas, Texas 75206
Telephone: (214) 800-2830
Facsimile: (214) 800-2834

A handwritten signature in black ink, appearing to read "Barbara Harvey".

Barbara Harvey, Esq.
Penobscot Building, Suite 3060
645 Griswold Street
Detroit, Michigan 48226

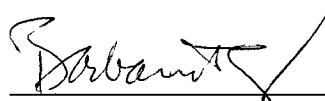
Telephone: (313) 963-3570

Facsimile: (313) 963-3572

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

Barbara Harvey, one of the attorneys for plaintiffs, hereby certifies that on this date she served a copy of the Motion and Brief in Support of Motion for Stay of Trial Proceedings on all counsel of record by first-class mail.

A handwritten signature in black ink, appearing to read 'Barbara Harvey', is written over a horizontal line.

Barbara Harvey, Esq.
Penobscot Building, Suite 3060
645 Griswold Street
Detroit, Michigan 48226
Telephone: (313) 963-3570

Dated: September 29, 2003